

Appl. No.: 09/883,340
Amendment dated March 21, 2006
Reply to Office Action of September 28, 2005

REMARKS/ARGUMENTS

The Office Action of September 28, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 9-12, 15, 23-26, 29, 37-40, and 43 have been amended. Claim 1-49 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 15-28 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicants respectfully traverse this rejection. Since the mailing of the Office Action, the Board of Patent Appeals and Interferences subsequently decided *Ex parte Lundgren*, eliminating rejections under 35 U.S.C. § 101 based on an alleged technological arts test. *Ex parte Lundgren*, Appeal No. 2003-2088 (BPAI 2005). Applicants therefore respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-16, 19-22, 25-30, 33-36, 39-43, and 46-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kelly *et al.* (U.S. Publ. No. 2005/0154531, hereinafter Kelly). Applicants respectfully traverse this rejection for at least the following reasons.

Applicant has amended claims 1 such that claim 1 does not merely recite an intended use, but rather recites actual storage of computer executable instructions performing a specific method. Thus, the rejection of claim 1 and various other claims based on recitations of intended use should be withdrawn. In addition, the rejections based on the kinds of data should also be withdrawn, as the claims recite actual data stored in a computer memory, and thus recite actual structure in the form of memory storing specifically claimed data and instructions.

Applicants have also amended claim 1 to more clearly articulate the claimed invention in view of the cited art. For example, Kelly does not teach or suggest critical threshold information stored as one or more rules in the memory, determining whether one of the critical thresholds is presently exceeded or is likely to be exceeded in the future based on a comparison of the automatically received meteorological data with a first rule corresponding to the one of the

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critical thresholds, or automatically sending event information to the enterprise data processing system to alter the business process decision in the enterprise data processing system when the one critical threshold is exceeded. Instead, Kelly describes a system for generating weather reports for a particular individual user's geographic location and automatically providing the reports to the individual users. Kelly, Abstract. Kelly makes no mention of processing critical threshold information or rules in a memory based on the weather reports, nor does Kelly attempt to automatically send information to an enterprise data processing system to alter a business decision process in the enterprise data processing system. Claim 1 and its respective dependent claims are therefore not anticipated by Kelly.

Claims 15 and 29 have been similarly amended as claim 1, and therefore claims 15 and 29, and their respective dependent claims, are also allowable over Kelly.

In addition, with respect to claims 5, 6, 19, 20, 33, and 34, Kelly does not teach or suggest a critical level and a probability associated with a critical level as claimed.

With respect to claims 9, 11, 23, 25, 37, and 39, Kelly does not teach or suggest a business process decision that comprises an airplane flight operation or parameters as claimed.

With respect to claims 10, 12, 24, 26, 38, and 40, Kelly does not teach or suggest a business process decision that comprises an electric utility operation or parameters as claimed.

With respect to claims 13, 27, and 48, Kelly does not teach or suggest determining that a critical threshold level is exceeded or may be exceeded, determining a period of time for which the threshold will remain exceeded, or sending delay information comprising the period of time to the enterprise system.

Rejections Under 35 U.S.C. § 103

Claims 17, 18, 23, 24, 31, 32, 37, 38, 44, 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly. Each of these claims is allowable for at least the same reasons as their respective base claims. In addition, the Office Action merely alleges it would have been obvious to use a weather reporting system with an aircraft flight operation company and an electric utility. However, various claims recite a business process decision comprising an airplane flight operation, and further a runway crosswind, a visibility level, and a cloud ceiling level, none of

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which are taught or suggested by Kelly. Similarly, various claims recite a business process decision comprising an electric utility operation, and further a critical substation temperature, critical utility line temperature, and a critical wind speed, none of which are taught or suggested by Kelly

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
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Dated this 21 day of March, 2006

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